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J. WILLIAM YEATES

MARY U. AKENS  
KEITH G. WAGNER

February 15, 2005

Mike Chrisman  
Secretary  
California Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Re: CEQA Improvement Advisory group

Dear Secretary Chrisman: *Mike*

I appreciate the opportunity you have provided me to participate as a member of the CEQA Improvement Advisory Group ("Advisory Group"). I look forward to listening to the views of the other invited members, who may have different viewpoints and experiences from my own.

You asked for a brief response to the following question: "What improvements could be made to CEQA to encourage efficient land-use patterns in the development of housing and infrastructure while protecting valuable habitat and productive farmland?"

Recent discussions about the California Environmental Quality Act's impact on the development of housing and infrastructure have already created the opportunity for dialogue prior to the creation of the Advisory Group. I serve on the Board of the Planning and Conservation League ("PCL") and have been actively involved in the past in working with past Administrations and former members of the California Legislature on suggested and proposed amendments to CEQA. So through an existing network of organizations and individuals, I have been collaborating with the staff and other directors of PCL and with the staff and directors of the California League of Conservation Voters ("CLCV") on ways to address some of the criticisms of CEQA. Prior to the establishment of the Advisory Group, we had very useful and informative meetings with key members of your staff, Undersecretary Karen Scarborough and General Counsel Sandra Ikuta. As a result, PCL and CLCV developed a position paper, which they shared with leaders of the Silicon Valley Manufacturing Group. It is my understanding that PCL, CLCV, and the Silicon Valley Manufacturing Group have submitted a joint one-page response to the question posed in your letter of invitation. I endorse the concepts in that joint one page letter, as well.

I would like to add the following observation based on past efforts to improve CEQA, while preserving its purpose, which is to require California public agencies to consider the environmental consequences of their discretionary actions before those actions are taken. In order to "encourage efficient land-use patterns in the development of housing and infrastructure" local governments need up-to-date land use plans. Furthermore, regional and state governmental

agencies must assist local governments in developing and implementing those up-to-date land use plans.

Not too many years ago Governor Pete Wilson encouraged his Administration to consider ways to "frontload" the necessary land use planning information in a way that reduced or eliminated environmental review under CEQA. The California Legislature also responded by enacting changes to CEQA, which included the authorization of master environmental impact reports in order to reduce or eliminate subsequent environmental review. I think there is room for more improvements to CEQA that follow this concept -- that when the information is made available and the environmental consequences of this information are evaluated at the earliest opportunity in the land use planning process, this information need not be re-reviewed when the anticipated housing and infrastructure projects follow. There are existing provisions within CEQA that could be improved.

There are probably many other ways that will be brought up by other members of the Advisory Group. I look forward to the opportunity to think outside the existing framework of laws and regulations at ways that can improve the existing statutory framework of land use and environmental protection laws.

Your very carefully worded letter of invitation pointed out that CEQA "often carr[ies] the burden of unforeseen consequences and contentious dynamics." Indeed, it does. CEQA is nothing more than the messenger who delivers bad news, when all that we want to hear is good news. CEQA requires public agencies to come forward with information that exposes our collective shortcomings. Rather than "shoot the messenger," the challenge is to address the information in the message. California is a state of great richness because of its geographical location, its landscape, its natural resources, its communities, and its people. CEQA's informational purpose is not the antithesis to "encourage[ing] efficient land-use patterns in the development of housing and infrastructure." Used appropriately the information about the environmental consequences of our existing land use patterns can direct a better outcome that protects California's richness and serves the needs of its residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Yeates", with a stylized, flowing script.

Bill Yeates